

REMARKS

Applicants hereby request further consideration of the application in view of the amendments above and the comments that follow.

Status of the Claims

Claims 1-3 were pending at the time of examination. Claims 1-3 stand rejected under Section 102(b) as being anticipated by U.K. Patent Application GB 2 322 504 to Frederick Yi-Tung Cho (Cho). New Claims 4 and 5 have been added by the foregoing amendments.

The Rejections under Section 102

Claim 1 recites, *inter alia*:

whereby the lower casing is the casing part, which during operating the mobile terminal is in the palm of the hand of the user, whereby the upper casing is extending away from the hand of the user in an opened state of the mobile terminal and folded onto the lower casing in a closed state of the mobile terminal,

Applicants respectfully submit that Claim 1 is not anticipated by Cho. Cho shows a tri-fold mobile terminal comprising three major parts: a lower part **103**, a central part **102** and an upper part **101**. The lower part **103** comprises a keypad, the central part **102** comprises a display and the upper part **101** comprises a loudspeaker. In a closed state, the lower part **103** is folded onto the central part **102** and the upper part **101** is folded onto the lower part **103**.

The Action cites the lower part **103** as corresponding to the lower casing as claimed and cites the central part **102** as corresponding to the upper casing as claimed. However, Cho discloses a mobile phone of a type which is completely different from a clamshell-type mobile phone according to the present invention. A tri-fold mobile phone as disclosed in Cho is held by a user in a very different way than a clamshell-type mobile terminal. A tri-fold mobile terminal is held by a user at its central part (e.g., central part **102**), whereby the lower and the upper casing parts extend away from the hand of the user. Thus, the input of numbers or instructions using the keypad (which is located on the lower part **103**) cannot be performed

by the thumb of the hand holding the central part of the casing. Instead, the user has to use the other hand in order to input numbers or instructions using the keypad.

Thus, the lower part **103** of Cho cannot correspond to the lower casing of Claim 1 because the lower part **103** of Cho is not the casing part, "which during operating the mobile terminal is in the palm of the hand of the user." Moreover, the central part **102** of Cho cannot correspond to the upper casing of Claim 1 because the central part **102** does not "extend[] away from the hand of the user in an opened state of the mobile terminal."

Nor would it have been obvious to one of ordinary skill at the time of the invention to have modified the Cho device to correspond to the claimed invention. The requirements as to the configuration and the shape of a tri-fold mobile terminal as in Cho are completely different as compared to the configuration and the shape of a clamshell-type mobile phone which the user holds on its lower part (thus being able to input instructions with the thumb of the hand holding the mobile terminal). Cho does not teach or suggest either the problem or the solution of Applicants' invention as claimed.

In view of the foregoing, Applicants respectfully submit that Claim 1 is allowable over the cited art. Claims 2-5 depend from Claim 1 and are therefore allowable as well for at least the foregoing reasons.

At least certain of the dependent claims are further patentably distinguishable over the cited art. For example, Claim 4 depends from Claim 3 and further recites that the at least one rotating structure includes two parts that are rotatable against one another. Support for this new claim can be found at page 5, lines 8 and 9 (referring to rotating means **4a**, **4b**). As best understood, the hinge **216** of Cho does not include two parts that rotate with respect to one another.

New Claim 5 depends from Claim 1 and further recites that the clamshell-type mobile terminal essentially comprises the lower casing and the upper casing. Support for this new claim can be found at page 3, lines 28-30 of Applicants' specification. Thus, Claim 5 is limited to a two part clamshell-type mobile terminal in direct contradistinction to the three part mobile terminal of Cho. To modify Cho to include only a lower casing and an upper

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casing as claimed would conflict with the stated objects of Cho (*see, e.g.*, Cho at page 1, lines 22-24).

CONCLUSION

Applicants respectfully submit that this application is now in condition for allowance, which action is requested. Should the Examiner have any matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,




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